

ONE HUNDRED SEVENTEENTH CONGRESS

**Congress of the United States**

**House of Representatives**

COMMITTEE ON THE JUDICIARY

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October 17, 2022

The Honorable Miguel A. Cardona, EdD  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202

Dear Secretary Cardona:

We are investigating the Biden Administration's misuse of federal criminal and counterterrorism resources to target concerned parents at school board meetings. We know from publicly available information that the Biden Administration, including the Education Department, colluded with the National School Boards Association to manufacture a pretext for the use of federal law-enforcement authorities against parents.<sup>1</sup> The American people, however, deserve much more accountability and transparency.

On November 16, 2021, we wrote to you requesting documents and information regarding your Department's interactions with the NSBA and the subsequent appointment of then-NSBA President Dr. Viola Garcia to the National Assessment Governing Board.<sup>2</sup> To date, over eleven months later, the Department has only responded with a generic, hollow response letter, and has not produced any of the requested documents or information.<sup>3</sup> This letter did not sufficiently respond to our reasonable requests or alleviate our concerns.

Parents voicing their concerns at school board meetings are not domestic terrorists. Yet, the Attorney General's anti-parent directive of October 4, 2021, remains in effect, and as a result, the threat of federal law enforcement continues to chill the First Amendment rights of American parents. Committee Republicans intend to continue to pursue this serious misuse of federal law-enforcement resources, including if necessary into the 118th Congress. We reiterate our requests, which are itemized in the attached appendix and incorporated herein, and ask that you, as the custodian of all Departmental records, produce the entirety of the requested material as soon as

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<sup>1</sup> See E-mail from Dr. Viola Garcia, President, Nat'l School Boards Assoc. (Oct. 2, 2021, 6:59 AM); *Final Report On the Events Surrounding the National School Boards Association's September 29, 2021, Letter to the President*, NATIONAL SCHOOL BOARDS ASSOCIATION at 38 (May 20, 2022).

<sup>2</sup> Letter from Rep. Jim Jordan, Ranking Member, H. Comm on the Judiciary & Rep. Virginia Foxx, Ranking Member, H. Comm. on Edu. & Labor, to Hon. Miguel A. Cardona, Sec'y, U.S. Dep't of Edu. (Nov. 16, 2021).

<sup>3</sup> Letter from Ms. Gwen Graham, Assistant Sec'y, Leg. & Cong. Affairs, U.S. Dep't of Edu., to Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary (Apr. 1, 2022).

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possible but no later than October 31, 2022.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials in your possession relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is fluid and cursive, with the first name "Jim" and last name "Jordan" clearly distinguishable.

Jim Jordan  
Ranking Member

cc: The Honorable Jerrold L. Nadler  
Chairman

Enclosure

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**Appendix: Document Requests to the Department of Education**

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November 16, 2021:

1. All documents and communications for the period January 20, 2021, to the present referring or relating to the NSBA;
2. All documents and communications for the period January 20, 2021, to the present between or among Department of Education employees or staff and any NSBA officer, Board member, delegate, or staff referring or relating to the September 29, 2021 letter to President Biden or the October 4, 2021, memorandum from Attorney General Garland;
3. All documents and communications for the period January 20, 2021, to the present between or among Department of Education employees or staff and Executive Office of the President employees or staff referring or relating to the September 29, 2021 letter to President Biden or the October 4, 2021, memorandum from Attorney General Garland;
4. All documents and communications for the period January 20, 2021, to the present between or among Department of Education employees or staff and Department of Justice employees or staff referring or relating to the September 29, 2021 letter to President Biden or the October 4, 2021, memorandum from Attorney General Garland;
5. All documents and communications for the period January 20, 2021, to the present regarding Dr. Viola Garcia's appointment to the National Assessment Governing Board; and
6. All documents and communications for the period January 20, 2021, to the present between or among Department of Education employees or staff and White House employees or staff regarding Dr. Viola Garcia's appointment to the National Assessment Governing Board.